

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS M. MOROUGHAN,

Plaintiff,

-against-

THE COUNTY OF SUFFOLK, SUFFOLK COUNTY
POLICE DEPARTMENT, SUFFOLK DETECTIVES
RONALD TAVARES, CHARLES LESER, EUGENE
GEISSINGER, NICHOLAS FAVATTA and ALFRED
CICCOTTO, DETECTIVE/SGT. WILLIAM J. LAMB,
SGT. JACK SMITHERS, SUFFOLK POLICE OFFICERS
WILLIAM MEANEY and JESUS FAYA and SUFFOLK
JOHN DOES 1-10, THE COUNTY OF NASSAU, NASSAU
COUNTY POLICE DEPARTMENT, SGT. TIMOTHY
MARINACI, DEPUTY CHIEF OF PATROL JOHN
HUNTER, INSPECTOR EDMUND HORACE,
COMMANDING OFFICER DANIEL FLANAGAN,
DETECTIVE/SGT. JOHN DEMARTINIS, NASSAU
POLICE OFFICERS ANTHONY D. DILEONARDO,
EDWARD BIENZ and JOHN DOES 11-20,

Defendants.

Case No.: 12-cv-0512
(JFB)(AKT)

**AMENDED
NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the pleadings served in this action, the Declaration of Joanne Filiberti, and all exhibits annexed thereto; the Declarations of Defendants Sgt. Timothy Marinaci, Inspector Edmund Horace, Commanding Officer Daniel Flanagan, Detective/Sgt. John DeMartinis, and Police Officer Edward Bienz; the Memorandum of Law; and the Statement of Material Facts pursuant to Local Civil Rule 56.1; Defendants the County of Nassau, the Nassau County Police Department, Sgt. Timothy Marinaci, Inspector Edmund Horace, Commanding Officer Daniel Flanagan, Detective/Sgt. John DeMartinis, and Police Officer Edward Bienz (“the Nassau Defendants”) will move this Court at the United States Courthouse for the Eastern District of New York, located at 100 Federal Plaza, Central Islip,

New York 11722 as soon as counsel may be heard, for an Order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment in favor of the Nassau Defendants, on the grounds that there are no genuine issues of material fact to be tried, and dismissing the Plaintiff's Second Amended Complaint against the Nassau Defendants in its entirety, dismissing the co-defendant Anthony DiLeonardo's Cross-Claims against the Nassau Defendants in their entirety, and dismissing the co-defendants the County of Suffolk, the Suffolk County Police Department, Detective Ronald Tavares, Detective Charles Leser, Detective Eugene Geissinger, Detective Nicholas Favatta, Detective Alfred Ciccotto, Detective/Sgt. William J. Lamb, Sgt. Jack Smithers, Police Officer William Meaney, and Police Officer Jesus Faya's Cross-Claim in its entirety, with prejudice, and for such other relief as the Court deems just and proper.

Dated: New York, New York
July 31, 2018

BY: Christopher D. Clarke

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OFFICER DANIEL FLANAGAN,
DETECTIVE/SGT. JOHN DEMARTINIS and
POLICE OFFICER EDWARD BIENZ